S.B.Cr.Misc. Bail Appli. No.5116/2007

(Chaina Ram vs. State of Rajasthan)

Date of order : October 10, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Ravindra Acharya, for the petitioner.
Mr.Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers. I have also gone through the statements of the prosecutrix aged 17 years recorded under section 164 by Judicial Magistrate, Nawa.

Learned counsel for the petitioner submits that no allegation has been levelled by the prosecutrix against the petitioner under section 161 Cr.P.C.

Learned Public Prosecutor submits that it is the case of gang rape.

Looking to the serious allegation of gang rape by petitioner and co-accued Sanjay and Kailash and the manner

in which the prosecutrix, who is a member of Scheduled Caste, was taken to Ajmer and therefrom to Jaipur, where the petitioner and co-accused named above, committed rape on the prosecutrix, in my view, it is not a fit case to grant bail to the petitioner.

The bail application filed by the petitioner under section 439 Cr.P.C. is, therefore, dismissed.

(H.R.PANWAR),J.

m.asif/-